



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,556	10/31/2001	Thomas J. Westbrook	WWWN116621	7679
26389	7590	09/04/2008	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC			LEVINE, ADAM L	
1420 FIFTH AVENUE				
SUITE 2800			ART UNIT	PAPER NUMBER
SEATTLE, WA 98101-2347			3625	
			MAIL DATE	DELIVERY MODE
			09/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/001,556	WESTBROOK ET AL.	
	Examiner	Art Unit	
	ADAM LEVINE	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 June 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 69-88 is/are pending in the application.
 4a) Of the above claim(s) 69-75 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 76-88 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) 69-75 are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) Notice of Informal Patent Application
 6) Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 30, 2008, has been entered.

Response to Amendment

Applicants' amendments and remarks dated June 30, 2008, are responsive to the office action mailed March 28, 2008. Claims 1-68 have been cancelled and claims 69-88 newly filed. Claims 69-88 are therefore pending and are considered in this office action.

Pertaining to objection to claims in the previous office action

All previously pending claims have been cancelled and all currently pending claims are new. All previous objections are therefore moot.

Response to Arguments

Pertaining to rejection under 102(e) in the previous office action

Applicant's arguments with respect to claims 1-68 have been considered but are moot in view of the new ground(s) of rejection.

Election/Restrictions

1. **Newly submitted claims 69-75 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:**

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 69-75, drawn to a system comprising a set of seller computing devices configured to communicate with a seller interface and specifying a minimum number of products that must be purchased, a buyer computing device configured to communicate with a buyer interface and initiating a query, and a transaction processing server generating a subset of seller computing devices and configured to execute buyer and seller interface applications, classified in class 705, subclass 26.
- II. Claims 76-88, drawn to a method and computer readable medium comprising receiving a selection of a seller from advertisements displayed on a buyer computing device and executing a correlation application in a transaction database to correlate products sent by a seller device with

products sent by a buyer device to facilitate a transaction, classified in class 705, subclass 26.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case both are true. The apparatus can be used to practice a materially different process as indicated because the process practiced herein is materially different, and the process could potentially be practiced by hand.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);

- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 69-75 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 79-81 and 86-87 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 79-80 and 86-87 are directed to "businesses that may modify the transaction by executing a three-tiered process." There is no disclosure in the specification of businesses that may modify the transaction. The three-tiered process described in the specification is functional to include or exclude businesses, but there is not indication of any three-tiered process being used by the businesses to modify the transaction.

Claims 80 and 87 are directed to "excluding businesses that may modify the transaction." There is no disclosure in the specification of businesses that may modify the transaction despite having been excluded.

Claim 81 recites "specifying by the seller computing device to include distributors to modify the transaction but not retail sellers." There is no disclosure in the specification of distributors or retail sellers that may modify the transaction. The

disclosure is directed at choosing between businesses with whom to pursue a transaction.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 76-88 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims are directed to a process that does nothing more than manipulate an abstract idea. Mere recitation in the preamble (i.e., intended use) or mere implication of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea. For subject matter to be statutory, the claimed process must be limited to a practical application of the abstract idea or mathematical algorithm. See *In re Alappat* 33 F.3d at 1543, 31 USPQ2d at 1556-57 (quoting *Diamond V. Diehr*, 450 U.S. at 192, 209 USPQ at 10). A claim is limited to a practical application when the method, as claimed, produces a concrete, tangible and useful result: i.e. the method recites a step or act of producing something that is concrete, tangible and useful. See *AT&T v. Excel Communications Inc.*, 172 F.3d at 1358, 50 USPQ2dat 1452.

Claims to processes that do nothing more than solve mathematical problems or manipulate abstract ideas or concepts are complex to analyze. If the “acts” of a claimed process manipulate only numbers, abstract concepts or ideas, or signals representing

any of the foregoing, the acts are not being applied to appropriate subject matter. *Gottschalk v. Benson*, 409 U.S. 63, 71 - 72, 175 USPQ 673, 676 (1972). Thus, a process consisting solely of mathematical operations, i.e., converting one set of numbers into another set of numbers, does not manipulate appropriate subject matter and thus cannot constitute a statutory process. In practical terms, claims define nonstatutory processes if they consist solely of mathematical operations without some claimed practical application (i.e., executing a "mathematical algorithm") or simply manipulate abstract ideas, e.g., a bid (*Schrader*, 22 F.3d at 293-94, 30 USPQ2d at 1458-59) or a bubble hierarchy (*Warmerdam*, 33 F.3d at 1360, 31 USPQ2d at 1759), without some claimed practical application.

A claim is for a practical application of an abstract idea, law of nature, or natural phenomenon when the claimed invention "transforms" an article or physical object to a different state or thing, or when the claimed invention produces a useful, concrete and tangible result. See MPEP 2106, subsection IV.C.2. A practical application in this context can be the result itself. As stated in *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601 (Fed. Cir. 1998):

Today, we hold that the transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces "a useful, concrete and tangible result-- a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades.

It is the result that should be the focus. If the result has a real world practical application or use then the test has been satisfied. The claim need not include the uses to which the result is ultimately put, just the result itself. Another example would be an

improved method for measuring blood sugar levels in human beings. In this example, the end result is the blood sugar level which is a practical application for diagnostic purposes. Accordingly, reciting the improved method, and the result it achieves---the measurement of the blood sugar level---is all that is necessary for patent-eligibility. The diagnostic steps that occur after the determination of the blood sugar level need not necessarily be present in the claims in order for the claims to be statutory.

Even when a claim applies a mathematical formula as part of a seemingly patentable process, USPTO personnel must ensure that it does not in reality "seek patent protection for that formula in the abstract." Diehr, 450 U.S. at 191, 209 USPQ at 10. "Phenomena of nature, though just discovered, mental processes, abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work." Benson, 409 U.S. at 67, 175 USPQ at 675. One may not patent a process that comprises every "substantial practical application" of an abstract idea, because such a patent "in practical effect would be a patent on the [abstract idea] itself." Benson, 409 U.S. at 71-72, 175 USPQ at 676. "To hold otherwise would allow a competent draftsman to evade the recognized limitations on the type of subject matter eligible for patent protection." Diehr, 450 U.S. at 192, 209 USPQ at 10.

Thus, a claim that involves both a mental process and one of the other categories of statutory subject matter (i.e., a machine, manufacture, or composition) may be patentable under § 101. See Diehr, 450 U.S. at 184 (holding a process that involved calculations using the "Arrhenius equation" patentable because the claim "involve[d] the transformation of an article, in this case raw, uncured synthetic rubber,

into a different state or thing"). For example, we have found processes involving mathematical algorithms used in computer technology patentable because they claimed practical applications and were tied to specific machines. However, mental processes—or processes of human thinking—standing alone are not patentable even if they have practical application. The Supreme Court has stated that "[p]henomena of nature, though just discovered, mental processes, and abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work." Benson, 409 U.S. at 67 (emphasis added). In *Flook* the patentee argued that his claims did not seek to patent an abstract idea (an algorithm) because they were limited to a practical application of that idea—updating "alarm limits" for catalytic chemical conversion of hydrocarbons. 437 U.S. at 586, 589-90. The Court rejected the notion that mere recitation of a practical application of an abstract idea makes it patentable, concluding that "[a] competent draftsman could attach some form of post-solution activity to almost any mathematical formula." *Id.* at 590. Since all other features of the process were well-known, including "the use of computers for 'automatic monitoring-alarming,'" the Court construed the application as "simply provid[ing] a new and presumably better method for calculating alarm limit values." *Id.* at 594-95. The Court held the application unpatentable because "if a claim [as a whole] is directed essentially to a method of calculating, using a mathematical formula, even if the solution is for a specific purpose, the claimed method is nonstatutory." 437 U.S. at 595 (quoting *In re Richman*, 563 F.2d 1026, 1030 (CCPA 1977).

With regard to claims 83-88, applicants are claiming data structure in a computer readable medium. Claims to computer-related inventions that are clearly nonstatutory fall into the same general categories as nonstatutory claims in other arts, namely natural phenomena such as magnetism, and abstract ideas or laws of nature that constitute “descriptive material.” Abstract ideas, Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759, or the mere manipulation of abstract ideas, Schrader, 22 F.3d at 292-93, 30 USPQ2d at 1457-58, are not patentable. Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” In this context, “functional descriptive material” consists of data structures and computer programs that impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive material” includes but is not limited to music, literary works and a compilation or mere arrangement of data.

Both types of “descriptive material” are nonstatutory when claimed as descriptive material per se. Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases

computer efficiency held statutory) and Warmerdam, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). When nonfunctional descriptive material is recorded on some computer-readable medium, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. Such a result would exalt form over substance. *In re Sarkar*, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978) (“[E]ach invention must be evaluated as claimed; yet semantogenic considerations preclude a determination based solely on words appearing in the claims. In the final analysis under 101, the claimed invention, as a whole, must be evaluated for what it is.”) (quoted with approval in *Abele*, 684 F.2d at 907, 214 USPQ at 687). See also *In re Johnson*, 589 F.2d 1070, 1077, 200 USPQ 199, 206 (CCPA 1978) (“form of the claim is often an exercise in drafting”). Thus, nonstatutory music is not a computer component and it does not become statutory by merely recording it on a compact disk. Protection for this type of work is provided under the copyright law.

Claims 83-88 are directed to a process on a computer readable medium, but a process that does nothing more than manipulate an abstract idea. Mere recitation in the preamble (i.e., intended use) or mere implication of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 76-81 and 83-87 are rejected under 35 U.S.C. 102(e) as being anticipated by Annunziata (US Pub. No. 2001/0034688 A1).

Annunziata teaches all the limitations of claims 76-81 and 83-87. For example, Annunziata discloses a method comprising receiving a selection of a seller from a number of advertisements displayed on a buyer device, and executing an application to match seller and buyer transaction requirements. Please note: the type of product is not functionally involved in the recited steps of the method, thus the specific term “wood” that describes a product is not functionally involved in the recited steps of the method. Because it has no functional role in the method it is non-functional descriptive material. This descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). The method is the same regardless of the product sold.).

Annunziata further discloses:

- receiving a selection of a seller: of wood products from a number of advertisements displayed on a buyer computing device (see at least abstract,

figs. 3, 6-7; page 3 ¶¶0029, 0033; page 4 ¶¶0037-0039. Please note: the type of product is not functionally involved in the recited steps of the method, thus the specific term “wood” that describes a product is not functionally involved in the recited steps of the method. Because it has no functional role in the method it is non-functional descriptive material. This descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). The method is the same regardless of the product sold.); including/excluding businesses that may modify the transaction by executing a three-tiered process, a first tier being business classifications, a second tier being geographic regions, and a third tier being identities of businesses (see at least page 1 ¶0003, page 3 ¶¶0029, 0033. Please note: see the above rejection under 35 USC 112, first paragraph. This is interpreted for purposes of thorough examination, as using a three-tiered process to include or exclude businesses. Also please note that it is the examiner’s position that, to the extent this feature is disclosed, it is merely a method to search for sellers exhibiting desired qualities. These qualities, being mere search terms, are nonfunctional descriptive matter because, while the search is functional, the particular terms used have no effect other than that of any other search terms because there is no step, function, or result that varies depending on the particular outcome of the search.); specifying by the seller computing device to include distributors to modify the transaction but not retail sellers (see at least page 1 ¶0003, page 3 ¶¶0029, 0032-0034. Please note: see the above

rejection under 35 USC 112, first paragraph. Also please note that it is the examiner's position that, to the extent this feature is disclosed, it is merely a method to search for sellers exhibiting desired qualities. These qualities, being mere search terms, are nonfunctional descriptive matter because, while the search is functional, the particular terms used have no effect other than that of any other search terms because there is no step, function, or result that varies depending on the particular outcome of the search);

- executing a correlation application: in a transaction database to correlate quantity, product identifiers, or both sent by a seller computing device with quantity, product identifiers, or both sent by the buyer computing device to facilitate a transaction of wood products between a buyer and a seller (see at least abstract, fig. 5, page 1 ¶¶0003, 0014; page 3 ¶¶0033-0034, page 5 ¶0043);
- obtaining a set of sellers inventory: of wood products that are selected from a group consisting of wood product quantities, wood product identifications, and a minimum number of wood products that must be purchased to complete a transaction (see at least page 1 ¶0003, page 3 ¶¶0029, 0032-0034); generating a subset of the set of sellers that are available to facilitate the transaction with the buyer (see at least abstract, figs. 3, 6-7; page 3 ¶¶0029, 0033; page 4 ¶¶0037-0039).

Pertaining to computer-readable medium claims 83-87

Rejection of claims 83-87 is based on the same rationale as noted above. In addition, Annunziata discloses:

- a computer-readable medium: (see at least abstract, page 2 ¶¶0026-0027).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 82 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Annunziata (US Pub No. 2001/0034688 A1) in view of Kudoh et al. (US Pub. No. 2001/0004734 A1 cited as a convenient translation of the published Japanese Patent Application JP 11-355396).

Annunziata teaches all of the above as noted under the 35 USC 102(e) rejection and teaches a) listing of supplies of commodities, b) listing of desired transaction parameters by buyers, c) correlation of offered products for sale with desired transaction parameters, and d) facilitating the consummation of a transaction between buyers and sellers whose offers and desired transaction parameters are correlated. Annunziata does not, however, disclose maintaining inventory of a buyer by issuing a supplier order when the inventory of the buyer is below a threshold. Kudoh also teaches a) listing of supplies of commodities, b) listing of desired transaction parameters by buyers, c) correlation of offered products for sale with desired transaction parameters, and d) facilitating the consummation of a transaction between buyers and sellers whose offers and desired transaction parameters are correlated, and Kudoh further teaches

maintaining inventory of a buyer by issuing a supplier order when the inventory of the buyer is below a threshold (see at least abstract, page 5 ¶0089, page 6 ¶0104, page 7 ¶¶0108, 0113). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include in Annunziata the maintaining of inventory of a buyer by issuing a supplier order when the inventory of the buyer is below a threshold, in order to promote greater commerce using the method.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADAM LEVINE whose telephone number is (571) 272-8122. The examiner can normally be reached on M-F, 8:30-5:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571.272.6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Adam Levine
Patent Examiner
August 28, 2008
/Adam Levine/
Primary Examiner, Art Unit 3625